

AMENDED IN ASSEMBLY MARCH 29, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 1411

Introduced by Assembly Member DeVore

February 22, 2005

An act to add Section ~~734.5~~ 2896.5 to the Public Utilities Code, relating to telephone corporations.

LEGISLATIVE COUNSEL'S DIGEST

AB 1411, as amended, DeVore. Telephone corporations: reimbursement of overcharges.

Under existing law, the Public Utilities Commission has regulatory authority over public utilities, including telephone corporations. Existing law authorizes the commission to fix the rates and charges for every public utility, and requires that those rates and charges be just and reasonable. *The existing Telecommunications Customer Service Act of 1993 requires the commission to require telephone corporations to provide certain customer services to telecommunication customers, as specified.*

This bill would require *the commission to require* that a telephone corporation that erroneously bills and collects charges in an amount greater than those authorized by the commission, upon the request of the consumer that paid the overcharge, reimburse the consumer for the overcharge, along with interest at the rate of the percentage change in the Consumer Price Index for the previous 12 months, plus 1%.

Under existing law, a violation of the ~~Public Utilities Act~~ *an order of the commission* is a crime.

Because the provisions of this bill would ~~be a part of the act~~ *require an order of the commission to implement*, the bill would impose a state-mandated local program by creating a new crime.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section ~~734.5~~ 2896.5 is added to the Public
2 Utilities Code, to read:
3 ~~734.5. Every~~2896.5. *The commission shall additionally*
4 *require every* telephone corporation that erroneously bills and
5 collects charges in an amount greater than those authorized by
6 the commission, upon the request of the consumer that paid the
7 overcharge, ~~shall~~ to reimburse the consumer for the entire
8 amount of the overcharge, along with interest at the rate of the
9 percentage change in the Consumer Price Index for the previous
10 12 months, plus 1 percent.
11 SEC. 2. No reimbursement is required by this act pursuant to
12 Section 6 of Article XIII B of the California Constitution because
13 the only costs that may be incurred by a local agency or school
14 district will be incurred because this act creates a new crime or
15 infraction, eliminates a crime or infraction, or changes the
16 penalty for a crime or infraction, within the meaning of Section
17 17556 of the Government Code, or changes the definition of a
18 crime within the meaning of Section 6 of Article XIII B of the
19 California Constitution.